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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 PATRICK O. FRANKLIN, SR.,

13 Plaintiff,

CV F 05 0520 REC WMW P

14 vs.

15 HARRIS PHILLIPS, et al.,

16 Defendants.

ORDER RE FINDINGS &
RECOMMENDATIONS (#9)

17
18 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
19 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
20 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.
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22 On January 29, 2007, the magistrate judge filed [findings and](#)
23 [recommendations](#) herein which were served on plaintiff and which contained notice to
24 plaintiff that any objections to the findings and recommendations were to be filed within
25 twenty (20) days. Plaintiff has not filed objections to the findings and recommendations.
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Although it appears from the file that plaintiff's copy of the findings and

1 recommendations was returned, plaintiff was properly served. It is the plaintiff's
2 responsibility to keep the court apprised of his current address at all times. Pursuant to Local
3 Rule 83-182(d), service of documents at the record address of the party is fully effective.

4 The court has reviewed the file and finds the findings and recommendations to
5 be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS
6 HEREBY ORDERED that:

7 1. The Findings and Recommendations filed January 29, 2007, are adopted in
8 full; and

9 2. This action is dismissed without prejudice for failure to prosecute. The
10 Clerk is directed to close this case.

11 IT IS SO ORDERED.

12 **Dated: February 25, 2007**
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/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE